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REMARKS

This response is intended as a full and complete response to the final Action mailed October 31, 2007.

Claims 100-119, 121-139, 141-151 and 153-164 and 166-168 are pending and rejected. By this response, Applicants have amended claims 100, 116, 117, 121, 145, 149, 156, 163, 166 and 168 and cancelled claims 118, 119, 144, 146-148 and 158-162. The amendments incorporate the limitations of cancelled claims 144, 147 and 148 and may be found in the Applicants' specification on at least p. 28, l. 10 – p. 30, l. 7.

In view of the above amendments and the following discussion, Applicants submit that none of the claims now pending in the application are anticipated or obvious under the respective provisions of 35 U.S.C. §§102 and 103. Thus, Applicants believe that all of these claims are now in allowable form.

It is to be understood that Applicants do not acquiesce to the Examiner's characterizations of the art of record or to Applicants' subject matter recited in the pending claims. Further, Applicants are not acquiescing to the Examiner's statements as to the applicability of the art of record to the pending claims by filing the instant response including amendments.

Applicants traverse all of the rejections in the Office Action mailed October 31, 2007 and respectfully request reconsideration and passage of the claims to allowance for the following reasons.

REJECTIONS UNDER 35 U.S.C. 103

A. Claims 121-128, 131-136, 141-146, 148, 149, 151, 153-161, 163-164 and 166-168

The Office Action rejects claims 121-128, 131-136, 141-146, 148, 149, 151, 153-161, 163-164 and 166-168 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,088,722 to Herz et al. ("Herz") in view of U.S. Patent No. 7,003,792 to Yuen et al. ("Yuen"). Applicants note that claims 144, 146, 148 and 158-161 are cancelled and respectfully traverse the rejection.

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The Office Action fails to establish a *prima facie* case of obviousness, because the combination of Herz and Yuen fails to teach or suggest all the claim elements. Specifically, Herz and Yuen fail to teach or suggest providing program recommendations to the user based on the profile of the user via an interactive programming guide having a top portion and a bottom portion, the top portion providing programming recommendations based on the profile of the user, the bottom portion providing a standard programming guide in numeric order based on a channel number, wherein said interactive programming guide automatically appears when the user turns on a television.

Herz only generally teaches the use of an electronic programming guide listing available selections. (See Herz, col. 47, ll. 9-18). Herz teaches that the recommended programming is highlighted. (See *Id.*). Notably, Herz does not teach or suggest providing program recommendations to the user based on the profile of the user via an interactive programming guide having a top portion and a bottom portion, the top portion providing programming recommendations based on the profile of the user, the bottom portion providing a standard programming guide in numeric order based on a channel number, wherein said interactive programming guide automatically appears when the user turns on a television.

Yuen fails to bridge the substantial gap between Herz and Applicants' invention because Yuen also fails to teach or suggest providing program recommendations to the user based on the profile of the user via an interactive programming guide having a top portion and a bottom portion, the top portion providing programming recommendations based on the profile of the user, the bottom portion providing a standard programming guide in numeric order based on a channel number, wherein said interactive programming guide automatically appears when the user turns on a television. Yuen only teaches a smart agent based on habit statistical inference and psycho-demographic profiling. (See Yuen, Abstract).

Moreover, the Examiner asserts Official Notice in that displaying the favorite programs first is well known in the art. (See Final Office Action dated 10/31/07, p. 6, ll. 17-22). The Applicants respectfully traverse the Official Notice and submit that it may not be well known in the art to display the favorite programs first in the embodiment

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described by the Applicants' invention in combination with the other elements of the Applicants' invention. For example, the Applicants' invention separates the recommended programming guide from the standard programming guide such that the user may quickly and accurately locate recommended programming.

Independent claims 149, 156, 163, 166 and 168 contain similar limitations and are patentable over Herz and Yuen under 35 U.S.C. §103 for at least the same reasons that claim 121 is patentable over Herz and Yuen under 35 U.S.C. §103. Claims 122-128, 131-136, 141-143, 145, 151, 153-157, 164 and 167 depend, directly or indirectly, from claims 121, 149, 156, 163 and 166 and, thus, inherit the patentable subject matter of claims 121, 149, 156, 163 and 166, while adding additional elements. Therefore, claims 122-128, 131-136, 141-143, 145, 151, 153-157, 164 and 167 are also patentable over Herz and Yuen under 35 U.S.C. §103. Therefore, the rejection should be withdrawn.

B. Claims 100-103, 108-110, 116, 117, 129, 130, and 150

The Office Action rejects claims 100-103, 108-110, 116, 117, 129, 130, and 150 under 35 U.S.C. §103(a) as being unpatentable over Herz in view of U.S. Patent No. 5,659,350 to Hendricks et al. ("Hendricks") and Yuen. Applicants respectfully traverse the rejection.

The Office Action fails to establish a *prima facie* case of obviousness, because the combination of Herz and Hendricks fails to teach or suggest all the claim elements for at least the following reasons. For example, the combination fails to teach providing program recommendations to the user based on the profile of the user via an interactive programming guide having a top portion and a bottom portion, the top portion providing programming recommendations based on the profile of the user, the bottom portion providing a standard programming guide in numeric order based on a channel number, wherein said interactive programming guide automatically appears when the user turns on a television. Specifically, Applicants' independent claim 100 recites providing program recommendations to the user based on the profile of the user via an interactive programming guide having a top portion and a bottom portion, the top portion providing programming recommendations based on the profile of the user, the bottom portion

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providing a standard programming guide in numeric order based on a channel number, wherein said interactive programming guide automatically appears when the user turns on a television.

As discussed above, Yuen also fails to bridge the substantial gap left by Herz and Hendricks because Yuen also fails to teach or suggest providing program recommendations to the user based on the profile of the user via an interactive programming guide having a top portion and a bottom portion, the top portion providing programming recommendations based on the profile of the user, the bottom portion providing a standard programming guide in numeric order based on a channel number, wherein said interactive programming guide automatically appears when the user turns on a television.

Independent claims 116 and 117 contain similar limitations and are patentable over Herz, Hendricks and Yuen under 35 U.S.C. §103 for at least the same reasons that claim 100 is patentable over Herz, Hendricks and Yuen under 35 U.S.C. §103. Claims 101-103 and 108-110 depend, directly or indirectly, from claim 100 and, thus, inherit the patentable subject matter of claim 100, while adding additional elements. Therefore, claims 101-103 and 1-8-110 are also patentable over the combination of Herz and Hendricks under 35 U.S.C. §103.

Furthermore, as discussed above, independent claims 121 and 149 are patentable over Herz and Yuen under 35 U.S.C. §103. Claims 129, 130 and 150 depend, directly or indirectly, from claims 121 and 149, respectively, and thus, inherit the patentable subject matter of claims 121 and 149, while adding additional elements. Since the rejection of the corresponding independent claims under 35 U.S.C. §103 has been overcome, as described hereinabove, and there is no argument put forth by the Office Action that Hendricks supplies that which is missing from Herz and Yuen to render the independent claims unpatentable, these grounds of rejection cannot be maintained. Therefore, Applicants respectfully request that the Examiner's rejection be withdrawn. Therefore, claims 129, 130 and 150 are also patentable over the combination of Herz, Hendricks and Yuen under 35 U.S.C. §103. Therefore, the rejection should be withdrawn.

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C. Claims 104-107

The Office Action rejects claims 104-107 under 35 U.S.C. §103(a) as being unpatentable over Herz, Hendricks and Yuen in view of U.S. Patent No. 5,223,924 to Strubbe ("Strubbe"). Applicants respectfully traverse the rejection.

Claims 104-107 depend, directly or indirectly, from claim 100 and, thus inherit the patentable subject matter of claim 100, while adding additional elements. Therefore, claims 104-107 are also patentable over Herz, Hendricks and Yuen under 35 U.S.C. §103. Furthermore, because Strubbe fails to teach providing program recommendations to the user based on the profile of the user via an interactive programming guide having a top portion and a bottom portion, the top portion providing programming recommendations based on the profile of the user, the bottom portion providing a standard programming guide in numeric order based on a channel number, wherein said interactive programming guide automatically appears when the user turns on a television, claims 104-107 are also patentable over the combination of Herz, Hendricks, Yuen and Strubbe under 35 U.S.C. §103. Therefore, the rejection should be withdrawn.

D. Claims 111-115

The Office Action rejects claims 111-115 under 35 U.S.C. §103(a) as being unpatentable over Herz, Hendricks and Yuen in view of U.S. Patent No. 5,848,396 to Gerace ("Gerace"). Applicants respectfully traverse the rejection.

Claims 111-115 depend, directly or indirectly, from claim 100 and, thus inherit the patentable subject matter of claim 100, while adding additional elements. Therefore, claims 111-115 are also patentable over Herz, Hendricks and Yuen under 35 U.S.C. §103. Furthermore, because Gerace fails to teach providing program recommendations to the user based on the profile of the user via an interactive programming guide having a top portion and a bottom portion, the top portion providing programming recommendations based on the profile of the user, the bottom portion providing a standard programming guide in numeric order based on a channel number, wherein said interactive programming guide automatically appears when the user turns

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on a television, claims 111-115 are also patentable over the combination of Herz, Hendricks, Yuen and Gerace under 35 U.S.C. §103. Therefore, the rejection should be withdrawn.

E. Claim 118

The Office Action rejects claim 118 under 35 U.S.C. §103(a) as being unpatentable over Herz and Yuen in view of Hendricks. Applicants herein cancel claim 118 without prejudice. The Applicants reserve the right to file one or more continuation or divisional applications to prosecute claim 118. As such, the rejection is now moot.

F. Claim 119

The Office Action rejects claim 119 under 35 U.S.C. §103(a) as being unpatentable over Herz, Hendricks and Yuen in view of Strubbe. Applicants herein cancel claim 119 without prejudice. The Applicants reserve the right to file one or more continuation or divisional applications to prosecute claim 118. As such, the rejection is now moot.

G. Claims 137-139 and 147

The Office Action rejects claims 137-139 and 147 under 35 U.S.C. §103(a) as being unpatentable over Herz and Yuen in view of U.S. Patent No. 6,005,597 to Barrett et al. ("Barrett"). Applicants note that claim 147 is cancelled and respectfully traverse the rejection.

Claims 137-139 depend from claim 121 and, thus inherit the patentable subject matter of claim 121, while adding additional elements. Therefore, claims 137-139 are patentable over Herz and Yuen under 37 C.F.R. §103. Furthermore, Barrett fails to teach providing program recommendations to the user based on the profile of the user via an interactive programming guide having a top portion and a bottom portion, the top portion providing programming recommendations based on the profile of the user, the bottom portion providing a standard programming guide in numeric order based on a channel number, wherein said interactive programming guide automatically appears when the user turns on a television. Notably, Barrett only teaches providing the highest

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ranking programs to the user in the main viewing area of a television screen and using picture in picture for the next highest ranking program. (See Barrett, col. 4, ll. 14-18). Therefore, claims 137-139 are also patentable over the combination of Herz, Yuen and Barrett under 35 U.S.C. §103. Therefore, the rejection should be withdrawn.

H. Claim 162

The Office Action rejects claim 162 under 35 U.S.C. §103(a) as being unpatentable over Herz and Yuen in view of U.S. Patent No. 6,708,335 to Ozer et al. ("Ozer"). Applicants herein cancel claim 162 without prejudice. The Applicants reserve the right to file one or more continuation or divisional applications to prosecute claim 162. As such, the rejection is now moot.

CONCLUSION

Applicants believe that the claims are in condition for allowance. Accordingly, reconsideration and allowance are respectfully solicited.

If, however, the Examiner believes that there are any unresolved issues requiring adverse final action in any of the claims now pending in the application, it is requested that the Examiner telephone Eamon J. Wall or Jimmy Kim at (732) 530-9404 so that appropriate arrangements can be made for resolving such issues as expeditiously as possible.

Respectfully submitted,

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